

REMARKS

Claims 1-20 and 34-39 are pending in the present application. Applicants have cancelled claims 21-33 without prejudice as directed to a non-elected invention. As new claims 34-39 are directed to the same subject matter as claims 1-20, Applicant submits that they should be considered with the present group. Claims 1, 5, 9 and 19-20 are presently amended. Claim 5 is amended to correct the spelling of "chondroitin." Support for the amendments and new claims can be found throughout the application as filed, including at page 2, line 25 through page 3, line 4; page 6, line 29 through page 7, line 25; and page 9, line 13 through page 10, line 6, *inter alia*. No new matter has been added.

Restriction

Applicants confirm the election of Group I, claims 1-20, and have cancelled claims 21-35 without prejudice.

35 USC § 112, Second Paragraph

Claims 1-20 were rejected as allegedly indefinite because (Office Action, page 2):

The claims as confusing as to the steps required to practice the invention. The multiple use of the term "solution" in claims 1 makes it unclear what exactly is being combined with what. It would appear to properly define the invention that applicant indicate that both the cationic and anionic polyelectrolytes are present in the solution with the virus prior to centrifugation.

Applicants have amended Claim 1 to specify that the polyelectrolytes are present in the solution with the virus (now referred to as the second solution) prior to centrifugation. Applicants submit that Claim 1 as amended is not indefinite, and request withdrawal of the rejection thereto under 35 USC § 112, second paragraph.

35 USC § 112, First Paragraph

Claims 1-20 have been rejected "because the specification, while being enabling for using polyelectrolytes which bind or aggregate viruses, does not reasonably provide enablement for the use of any and all polyelectrolytes" (Office Action, page 3).

The Office Action states (Office Action, pages 3-4):

The term polyelectrolyte is extremely broad and encompasses too many substances for one of ordinary skill in the art to practice the claimed invention with [sic] undue experimentation. Given the number of different polyelectrolytes there are and the different viral types, applicant has not provided enough guidance to enable the broadly claimed invention. Applicants should specify the electrolytes that are useful in the process either specifically or functionally.

Applicants have amended claim 1 to clarify that the cationic polyelectrolyte and the anionic polyelectrolyte can bind to the viruses. Thus, Applicants have specified the electrolytes that are useful functionally. Furthermore, the specification as filed provides a number of examples of cationic and anionic polyelectrolytes that can be used in the present invention; see, e.g., page 2, line 25 through page 3, line 4, and page 9, line 13 through page 10, line 6. Given the general knowledge in the art, and the guidance provided by the specification, one of skill in the art would be able to select a pair of cationic and anionic polyelectrolytes, test them to see if they form complexes with a virus, and use them in the claimed methods. No undue experimentation is required. Applicants submit that, as the Examiner has stated that the specification is enabling for using polyelectrolytes which bind or aggregate viruses, the claims as amended satisfy the requirements of 35 USC § 112, first paragraph. Applicants respectfully request withdrawal of the rejection thereunder.

CONCLUSION

For the foregoing reasons, Applicants submit that the claims as amended are patentable and request allowance thereof.

Applicant : LeDoux et al.
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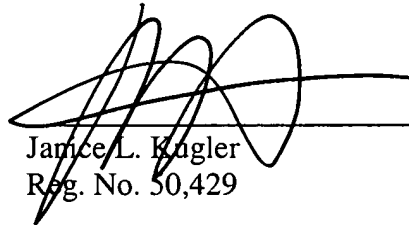
Attorney's Docket No.: 00786-492001 / MGH 1632.0

Enclosed is a check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 00786-492001.

Respectfully submitted,

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